

**Before the State of South Carolina
Department of Insurance**

In the matter of:

David C. Garris
2300 Devine Street
P.O. Box 50185
Columbia, South Carolina 29250-0185

File Number 2003-120665
**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and David Carroll Garris, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact, that David C. Garris, while licensed to do business as a resident insurance producer within the State of South Carolina, within a period including the months of December of 2003 and January 2004, did issue a number of bad checks (Non-Sufficient Funds) to Prime Rate Premium Financing Company, for an approximate amount of \$4,945.56 dollars, relating to insurance premiums. Mr. Garris acknowledges this allegation but contends the returned checks were the result of suspected embezzlement by one of his employees, not an intent to avoid the requirements of the Law. Nevertheless, these actions can ultimately lead to the revocation of his license to transact the business of insurance as a producer in South Carolina following a public hearing at the Administrative Law Judge Division, pursuant to S.C. Code Ann. & 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against him, David Garris and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Mr. Garris' resident insurance producer's license, he would waive his right to a public hearing and immediately pay an administrative penalty in the amount of \$2,000.00.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that David C. Garris, of Garris Insurance Agency, Inc. had violated S.C. Code Ann. § 38-43-130(C)(2) (Supp. 2002). As a result, I can now take administrative disciplinary action against his insurance producer's license and that of his agency. However, in view of the fact that Mr. Garris has fully reimbursed the monies in question, and granting the agent the benefit of the doubt, I conclude that there was no malice, criminal intent, nor willful conduct involved. Therefore, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. § 38-2-10 (2)(Supp. 2002), and after carefully considering the recommendation of the parties, I hereby impose against Mr. Garris an administrative penalty in the amount of \$2,000.00. That fine must be paid within ten days of the date of my signature upon this consent order. If he does not timely pay that total fine amount, his resident insurance producer's license will be immediately revoked without any further disciplinary proceedings.

This administrative penalty has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of David Garris' assurance that in the future he will fully comply with South Carolina's Insurance Laws.

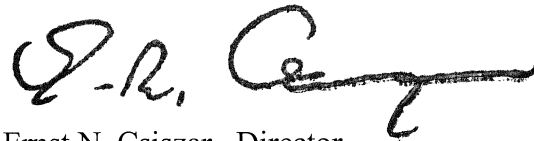
This penalty includes all expenses related to the investigation of this matter, as provided in Section 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, David C. Garris acknowledges this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002).

It is, therefore, ordered that David Garris shall, within ten days of the date of my signature on this consent order, pay through the Department of Insurance an administrative fine in the total amount of \$2,000.00.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Garris' licensing file.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a stylized flourish at the end.

Ernst N. Csiszar, Director

May 21, 2004

At Columbia, South Carolina

I CONSENT:

A handwritten signature in cursive script, reading "David C. Garris".

David C. Garris/ Garris Insurance Agency
2300 Devine Street
P.O. Box 50185
Columbia, South Carolina 29250-0185.

Dated this ____ day of May, 2004.